

ROBERTA CROSS GUNS
Office of the Commissioner of
Securities and Insurance
840 Helena Avenue
Helena, MT 59601
(406) 444-2040
(406) 444-3499 (fax)
rcrossguns@mt.gov

Attorney for the Securities Department

BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
OFFICE OF THE STATE AUDITOR
STATE OF MONTANA

IN THE MATTER OF:)	CASE NO.: SEC-2010-82
)	
ACN, INCORPORATED)	
1000 Progress Place)	
Concord, NC 28025,)	
)	
GREGORY PROVENZANO, individually and)	MOTION TO VACATE TEMPORARY
in his capacity as President of ACN, Inc.;)	CEASE AND DESIST ORDER, and
ROBERT STEVANOVSKI, individually and)	MOTION TO VACATE
in his capacity as Chairman of ACN, Inc.;)	SCHEDULING ORDER
ANTHONY CUPISZ, individually and in his)	(UNOPPOSED)
capacity as Vice President of ACN, Inc.; and)	
MICHAEL CUPISZ, individually and in his)	
capacity as Vice President of ACN, Inc.,)	
)	
Respondents.)	

The Montana Securities Department (Department), by and through its legal counsel, Roberta Cross Guns, moves the hearing examiner to issue an order vacating the Temporary Cease and Desist Order issued in this matter in the interest of pursuing a pre-hearing settlement, with prejudice. The Respondents have no objection.

The Department also moves the hearing examiner to issue an order vacating the current scheduling order and setting a date for a scheduling conference at the earliest available date.

Respondents have no objection.

WHEREFORE, the Department requests the hearing examiner grant its motion to vacate the Temporary Cease and Desist Order immediately. Further, the Department requests the hearing examiner grant its motion to issue an order prohibiting the Department from seeking another Temporary Cease and Desist Order based on the facts currently set forth in its Notice of Proposed Agency Disciplinary Action without prohibiting the Department from seeking such an order pursuant to an amended notice of agency action or complaint. Finally, the Department requests the hearing examiner grant its motion to vacate the current schedule and set a date for a scheduling conference.

DATED this 14th day of September, 2010.



Roberta Cross Guns
Attorney for the Securities Department

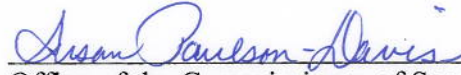
CERTIFICATE OF SERVICE

This is to certify that on this 14th day of September, 2010, a copy of the foregoing was served upon the following persons by depositing a copy of the action in the U.S. Mail, postage prepaid, addressed to:

Linda M. Deola, Esq.
REYNOLDS, MOTL & SHERWOOD, PLLP
401 N. Last Chance Gulch
Helena, MT 59601

Grant Woods, Esq.
Grant Woods Law
40 N. Central Avenue, Suite 2250
Phoenix, AZ 85004

Robert T. Stephan, Esq.
112548 W. 123rd Street
Overland Park, KS 66213



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